

1                                   **BEFORE THE ARIZONA BOARD**  
2                                   **OF MASSAGE THERAPY EXAMINERS**

3           In the Matter of

4           **JIE ZHONG DUENAS, LMT**

5           Holder of License No. MT-18380  
6           As a Massage Therapist  
7           In the State of Arizona

Board Case No. 19-103

**CONSENT AGREEMENT**  
(SUSPENSION)

OCT 31 AM 10:56

8           In the interest of a prompt and judicious settlement of this case, consistent with the  
9           public interest, statutory requirements and the responsibilities of the Arizona State Board  
10          of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Jie Zhong Duenas  
11          ("Respondent"), holder of Massage Therapist License Number MT-18380 in the State of  
12          Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions  
13          of Law and Order ("Consent Agreement") as a final disposition of this matter.  
14

15                                   **RECITALS**

16           1.       Respondent has read and understands this Consent Agreement and has had  
17           the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
18           opportunity to discuss this Consent Agreement with an attorney.

19           2.       Respondent understands that Respondent has a right to a public  
20           administrative hearing concerning this matter, at which hearing Respondent could present  
21           evidence and cross examine witnesses. By entering into this Consent Agreement,  
22           Respondent knowingly and voluntarily relinquishes all right to such an administrative  
23           hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or  
24           any other administrative and/or judicial action, concerning the matters set forth herein.  
25  
26

1           3.     Respondent affirmatively agrees that this Consent Agreement shall be  
2 irrevocable.

3           4.     Respondent understands that this Consent Agreement or any part of the  
4 agreement may be considered in any future disciplinary action by the Board.

5           5.     Respondent understands this Consent Agreement deals with Board case  
6 number 19-103 involving allegations that Respondent engaged in conduct that would  
7 subject Respondent to discipline under the Board's statutes and rules. The investigation  
8 into these allegations against Respondent shall be concluded upon the Board's adoption  
9 of this Consent Agreement.

10          6.     Respondent understands that this Consent Agreement does not constitute a  
11 dismissal or resolution of any other matters currently pending before the Board, if any,  
12 and does not constitute any waiver, express or implied, of the Board's statutory authority  
13 or jurisdiction regarding any other pending or future investigation, action or proceeding.

14          7.     Respondent also understands that acceptance of this Consent Agreement  
15 does not preclude any other agency, subdivision, or officer of this State from instituting  
16 any other civil or criminal proceedings with respect to the conduct that is the subject of  
17 this Consent Agreement.

18          8.     Respondent acknowledges and agrees that, upon signing this Consent  
19 Agreement and returning this document to the Board's Executive Director, Respondent  
20 may not revoke acceptance of the Consent Agreement or make any modifications to the  
21 document regardless of whether the Consent Agreement has been signed by the  
22 Executive Director. Any modification to this original document is ineffective and void  
23 unless mutually agreed by the parties in writing.


24          9.     This Consent Agreement is effective only when signed by the Executive  
25 Director on behalf of the Board.

1           10. If a court of competent jurisdiction rules that any part of this Consent  
2 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
3 shall remain in full force and effect.

4           11. Respondent understands that this Consent Agreement is a public record that  
5 may be publicly disseminated as a formal action of the Board and may be reported as  
6 required by law to the National Practitioner Data Bank or other such databases.

7           12. Respondent agrees that the Board will adopt the following Findings of Fact,  
8 Conclusions of Law and Order.

9  
10 ACCEPTED AND AGREED BY RESPONDENT

11  
12   
13 Jie Zhong Duenas

Dated: 10-3-2018

14 **FINDINGS OF FACT**

15           1. The Board is the duly constituted authority for licensing and regulating the  
16 practice of Massage Therapy in the State of Arizona.

17           2. Respondent is the holder of license number MT-18380 to practice as a  
18 Massage Therapist in the State of Arizona.

19           3. In April and May 2018, officers from the Oro Valley and Tucson police  
20 departments engaged in various criminal investigations related to the massage therapy  
21 business (Trinity Spa) that Respondent owned and operated.

22           4. During the investigation, officers determined that Respondent employed  
23 multiple unlicensed massage therapists. Officers arrested and charged these individuals  
24 with unlicensed massage therapy practice.

5. Officers also charged Respondent with various crimes that were later dismissed in connection with Respondent signing an agreement not to conduct business in Oro Valley for ten years.

6. Respondent did not notify the Board of her arrest and charges within ten days.

## CONCLUSIONS OF LAW

1. The conduct and circumstances described in the above Factual Allegations constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(6) (engaging in any act or practice in violation of this chapter or any board rule).

2. The conduct and circumstances described in the above Factual Allegations constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(10) (engaging in conduct that could result in harm or injury to the public).

3. The conduct and circumstances described in the above Factual Allegations constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(18) (aiding or abetting a person who is not licensed in this state and who directly or indirectly performs activities requiring a license).

4. The conduct and circumstances described in the above Factual Allegations constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(19) (failing to report to the Board an act that violates the Board's statutes and rules, namely, unlicensed practice).

5. The conduct and circumstances described in the above Findings of Fact constitute grounds for discipline pursuant to A.R.S. § 32-3208 (requiring health professionals to disclose criminal charges to the Board within ten days).

## ORDER

IT IS HEREBY ORDERED that License Number MT-18380 issued to Jie Zhong Duenas (Respondent) to practice as a massage therapist in the State of Arizona is hereby



1 SUSPENDED for a period of thirty (30) days from the effective date of this Order,  
2 subject to the following terms and conditions:

3 GENERAL PROVISIONS:

4 a. Respondent shall pay all necessary fees and complete all continuing  
5 education requirements throughout the term of her suspension to maintain Respondent's  
6 massage therapy license. Throughout the term of Respondent's suspension, Respondent  
7 shall personally appear before the Board when requested to do so by the Board or its  
8 staff.

9 b. Respondent shall obey all federal and state laws and rules governing the  
10 practice of Massage Therapists.

11 c. Respondent shall pay all costs associated with complying with this Order.

12 d. If Respondent violates this Order in any way or fails to fulfill the  
13 requirements of this Order, the Board, after giving the Respondent notice and the  
14 opportunity to be heard, may revoke, suspend or take other disciplinary actions against  
15 Respondent's license. The issue at such a hearing will be limited solely to whether this  
16 Order has been violated.

17  
18 DATED this 24<sup>th</sup> day of NOV., 2018.

19 ARIZONA STATE BOARD OF MASSAGE  
20 THERAPY

(Seal)

21  
22 By: 

RYAN EDMONSON  
Executive Director

23 ORIGINAL OF THE FORGOING FILED

24 this 24<sup>th</sup> day of ~~October~~, 2018, with:

November


25 Arizona Board of Massage Therapy  
26

1 1740 W. Adams St., 3<sup>rd</sup> Floor  
2 Phoenix, Arizona 85004

3 COPY OF THE FOREGOING MAILED  
4 REGULAR FIRST-CLASS MAIL  
5 this 2nd day of ~~October~~, 2018, to:  
6 *November*

7 Jie Zhong Duenas  
8 1658 W Gleaming Moon Lane  
9 Tucson, Arizona 85704  
10 Respondent

11 Paul Gattone  
12 Law Office of Paul Gatton  
13 301 S. Convent Ave.  
14 Tucson, AZ 85701  
15 Attorney for Respondent

16 By:   
17 #7395692  
18  
19  
20  
21  
22  
23  
24  
25  
26